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16 individually and on behalf of others similarly situated

17 *[Additional Counsel Listed on Next Page]*

18 **UNITED STATES DISTRICT COURT**

19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

20 MARC RIVERA, individually and on ) **CASE NO. 5:18-cv-01633-JGB-SHK**  
21 behalf of himself and others similarly )  
22 situated, ) **CLASS ACTION**

23 Plaintiff,

24 vs.

25 WESTERN EXPRESS, INC. doing )  
26 business as WESTERN EXPRESS )  
27 TRANSPORT OF CALIFORNIA, )  
28 INC., a Tennessee Corporation; and )  
DOES 1 through 100, inclusive, )

Defendants.

) **JOINT STATEMENT REGARDING**  
) **STATUS OF SETTLEMENT AND**  
) **RENEWED MOTION FOR**  
) **PRELIMINARY APPROVAL OF**  
) **CLASS ACTION SETTLEMENT**

) Complaint filed: May 15, 2018  
) Trial date: None set

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9 Attorneys for Defendant WESTERN EXPRESS, INC.

10 dba WESTERN EXPRESS TRANSPORT OF CALIFORNIA, INC.

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1 Plaintiff Marc Rivera (“Plaintiff”) and Defendant Western Express, Inc.  
2 (“Defendant”) (collectively, the “Parties”), through counsel of record, submit this  
3 joint statement to advise the Court of the status of the settlement and Plaintiff’s  
4 Renewed Motion for Preliminary Approval of Class Action Settlement, as follows:

5 By brief background, the Court recently issued its Order Denying Plaintiff’s  
6 Motion for Preliminary Approval of Class Action Settlement (Dkt. No. 44.) (“the  
7 Order”), and therein requested that Plaintiff address and further develop certain  
8 issues for any amended Motion for Preliminary Approval filing.

9 After further review of the Order, the Parties have discussed and addressed the  
10 changes requested by the Court. Given some delays related to a variety of causes,  
11 including but not limited to COVID-19, destruction of Defendant’s headquarters due  
12 to a tornado in March 2020, and personal health reasons of Plaintiff’s counsel, the  
13 Parties will also seek to expand the Class Period to end on or about: “October 31,  
14 2020, or the date of preliminary approval in this action, whichever is earlier.”

15 The Parties will correspondingly increase the prior total settlement amount to  
16 ensure a *pro-rata* increase occurs based on the total number of workweeks at issue  
17 within the Class Period, as the Parties originally intended at their arms-length  
18 mediation before Hon. King (Ret.)

19 The Parties are working to obtain additional data so that a Renewed  
20 Preliminary Approval Motion may be filed on or before September 30, 2020, and to  
21 further address the above-referenced issues as requested by the Order, including  
22 Plaintiff’s further analysis of the damage assessment and reasonableness of the  
23 settlement consideration. *Kullar v. Foot Locker Retail, Inc.*, (2008) 168 Cal. App.  
24 4th 116.

25 *[Signatures on Next Page]*

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Respectfully submitted,

**COHELAN KHOURY & SINGER**

By: s/J. Jason Hill

Michael D. Singer

J. Jason Hill

Attorneys for Plaintiff MARC RIVERA,  
individually and on behalf of others similarly  
situated

Dated: August 26, 2020

**VARNER & BRANDT LLP**

By: /s/ Jeff T. Olsen

Richard D. Marca

Jeff T. Olsen

Attorneys for Defendant WESTERN  
EXPRESS, INC. dba WESTERN EXPRESS  
TRANSPORT OF CALIFORNIA, INC.

**Attestation re Electronic Signatures**

I, J. Jason Hill, attest pursuant to Central District Local Rule 5-4.3.4(a)(2)(i) that all signatories to this document, on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 26, 2020

By: s/ J. Jason Hill

J. Jason Hill

**PROOF OF SERVICE*****Rivera v. Western Express, Inc.*****U.S.D.C. Case No. 5:18-cv-01633-JGB-SHK**

I, Matthew Atlas, declare as follows:

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to this action. My business address is 605 "C" Street, Suite 200, San Diego, California 92101. On August 26, 2020, I instituted service of the foregoing document(s) described as:

**JOINT STATEMENT REGARDING STATUS OF SETTLEMENT AND  
RENEWED MOTION FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

on the following parties:

**Counsel for Defendant**

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1 in the following manner (as indicated below):

2 Submitting an electronic version of the document(s) via portable document  
3 format (PDF) to the court at <https://ecf.cacd.uscourts.gov>.

4 Service will be deemed effective as provided for by Local Rule 5-4.1 of the  
5 District Court of California, Central District.

6 I declare that I am employed in the office of a member of the bar of this  
7 court at whose direction this service is made.

8 Executed August 26, 2020, at San Diego, California.

9 

10 Matthew Atlas